

March 25, 2010

Mr. Kirkpatrick called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. He read the Sunshine Statement.

Members Present: Mr. Bischoff, Mr. Nace, Mrs. Corcoran, Mr. Badenhausen,
Mr. Ryland, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mr. Severino, Mr. Walchuk, Mr. Taibi, Mr. Kastrud

Others Present: Atty. Mark Anderson, Robert Clerico, Carl Hintz, Atty. Brian
Tipton, Atty. Joseph Novak, Brian Plushanski, William Happel

Issue of Completeness: Jutland Convenience Store, Block 13, Lot 11.01, 169 Perryville Road: Atty. Brian Tipton appeared on behalf of applicant. Mr. Clerico reviewed his letter dated February 19, 2010. He questioned whether the Plan should be a Minor or a Major Site Plan. Applicant had submitted a Minor Site Plan. Ownership of the property was questioned. Atty. Tipton confirmed that 169 Perryville Road is the owner/applicant. Lehigh Gas Corp. is the parent company. Mr. Clerico said applicant had not requested waivers at the time of a previous application; however, they are now requesting waivers. Applicant will correct documents that have inconsistencies. Atty. Tipton distributed a letter dated March 25, 2010 addressing items in Mr. Clerico's letter. Mr. Clerico said applicant plans internal and external modifications to the structure. He believes architectural plans would be required. Atty. Tipton said applicant believes the engineering renderings are sufficient for the minor site plan. He said that, if approved, a licensed architect would sign the plans prior to obtaining a building permit. Mr. Kirkpatrick said that during the Hearing process, the Board would want to see what the building will look like, including color, type of windows, siding and light fixtures. Mr. Kirkpatrick said the Board would want to ensure that the building is compatible with the surrounding area, since it is the Gateway to the Township. Mr. Clerico said he does not believe a licensed engineer could prepare the plans. Mr. Hintz emphasized the importance of architectural plans. Atty. Anderson said the application is a "D" variance.

Mr. Bischoff said the property is in the Historic District. The building should conform to that District. Atty. Tipton said he understood. He believes the plans will improve the property. Mr. Clerico said the Board, when determining completeness/incompleteness, should categorize whether waivers for items be granted, denied or given temporary relief. Mr. Clerico had a question about title and easement related issues. He understands the Perryville Inn has an easement for parking. Atty. Tipton said he has a Deed and Title Search that will be submitted to the Board. Applicant will provide dates on all maps. Applicant has agreed to list adjoining property owners on the Title Sheet. Calculations were based on gross area. The site has a County right-of-way and easements dedicated to adjoining property owners. Mr. Clerico said the Ordinance requires that easements and right-of-ways must exclude those areas. Atty. Tipton said Engineer Zederbaum's plans show there will be a net decrease in impervious surface. The plans will be revised and resubmitted. Mr. Hintz said as a minor site plan, the application is exempt from

Ordinance Performance Standards. Mr. Clerico said the plans should note the exemption. Mr. Clerico recommended that a waiver be granted for topographical information extending 200 feet beyond the tract lines. He said the Board would need to vote on that waiver. Applicant addressed items pertaining to steep slope conditions. Applicant had provided bedrock geology and wetland inventory based on the NRI. The Category-2 stream is more than 300 feet from the subject property. Mr. Clerico said the Board could deem that item complete or ask applicant to place a note on the plan about the condition. Soil types, Aquifers and Community Wells, Septic Suitability and Natural Heritage and Landscape Data have been provided. Setbacks of existing structures and right-of-ways have been provided. The on-site well and approximate location of the septic area have been provided. Additional septic documentation will be required. Therefore, that item remains incomplete. Atty. Tipton said additional information would be provided. He believes there will be an increase with the proposal; however, it would not reach the 2,000-gallon threshold that would require NJDEP review. Mr. Kirkpatrick noted that the nearby Perryville Inn has had tremendous problems so the septic issue should be addressed, sooner rather than later.

Mr. Clerico said the Board could consider a temporary waiver for completeness for sight-easement dedications. Mr. Clerico deferred to Mr. Hintz about applicant's request for a waiver from providing a landscape plan. Mr. Hintz is sure it is required. Atty. Tipton concurred. Regarding the LOI, Mr. Kirkpatrick said it is generally the Board policy to waive having the LOI in hand; however, application must be made. He said if wetlands are not impacted, all that is required is a determination of the absence or presence of the wetlands. Mr. Clerico said that providing documentation that the application had been filed would satisfy the completeness issue. Regarding the aquifer test and carbonate area investigation, Mr. Clerico deferred to the Board's geologist as to whether the waivers be granted, as requested by applicant. Mr. Clerico said they could be waived temporarily, subject to the Board's geologist. He said the Board would require some documentation about the adequacy of the well with the proposed change of use. Mr. Kirkpatrick said the appropriate time to request information would be when it is known the amount of the change in flow.

Mr. Clerico said since his February 19, 2010 letter, applicant had submitted a Variance application. The Variance Checklist is similar to that for a Site Plan. Atty. Tipton was in agreement.

Mr. Clerico had listed the types of actions the Board should take in the February 19, 2010 letter. He asked if the Board wanted him to provide a summary. Mr. Kirkpatrick asked Atty. Tipton when he thought all deficiencies could be addressed. Applicant decided to submit required documentation in readiness for a determination of completeness at the May 27, 2010 meeting.

Mr. Clerico said the application states that the property is not located on a State Highway. He believes that it is. Mr. Bischoff said the intersection of Perryville and Frontage Roads, for a distance of 200 feet in either direction is under the control of NJDOT. Atty. Anderson mentioned items that should be addressed prior to the Hearing. He said Certification of Ownership is required. A letter is not adequate. Mr. Anderson said the amount of impervious surface is required. A variance would be required even if there were a reduction. Atty. Tipton will check into that issue. Atty. Anderson also noted inconsistencies in the Block Number in the letter. Mr. Anderson said a traffic report had been submitted, however, a traffic engineer was not listed as a witness. Atty. Tipton was told that testimony would be required for the Board to accept the report. Mr. Clerico said the Board should probably act on the site plan classification, minor or major. Mr. Kirkpatrick said the requirements of the use variance would cover most of major site plan requirements. Mr. Kirkpatrick asked Atty. Tipton if any off-site improvements were anticipated. Mr. Tipton said none were anticipated. Mr. Kirkpatrick said for purposes of moving forward it would be considered a minor site plan. When the final site plans are submitted, the Board would make that determination.

Mr. Kirkpatrick asked for a motion to deem the application incomplete. Mr. Ford made the motion. Mr. Badenhausen seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Badenhausen, Mr. Nace, Mrs. Corcoran, Mr. Ryland

Mr. Kirkpatrick

Abstain: Mr. Bischoff

Mr. Clerico asked if the waiver for topographical information within 200 feet of the tract line was granted. Mr. Kirkpatrick said "Yes".

Public Hearing FPP/Master Plan: Omissions and Inconsistencies in the Plan. Mr. Ford had a question about Farm Markets, P.6-9, discussion about Farm Markets. Mr. Ford said there is a Table that Lists Farm Markets that are located in close proximity to Union Township. Mr. Ford noted that Tradition Farms is not listed. Peaceful Valley is listed. Mr. Badenhausen had a question about the Project Areas, as listed on Page 5-5. Would there be any implications to the Board? Mr. Hintz responded. He said those were priority areas for PIG (Planning Incentive Grants). Mr. Kirkpatrick said they pertained to clustering farms into one large preservation area. It could be considered from a Zoning/Master Plan perspective. Mr. Kirkpatrick said that due to inconsistencies, he would like to see a revision of the Plan and continue discussion at a later date.

Mr. Kirkpatrick asked for a motion. Mr. Badenhausen made the motion to postpone the discussion until the inconsistencies in the Plan have been addressed. Mr. Ford seconded the motion.

Vote: Ayes: Mr. Badenhausen, Mr. Ford, Mr. Bischoff, Mr. Nace, Mrs. Corcoran,
Mr. Ryland, Mr. Kirkpatrick

Plushanski/GreenCycle of Hunterdon: Block 22, Lots 15 & 15.01 Frontage Road: Quarry License Application: Atty. Joseph Novak was present on behalf of applicant. Mr. Novak gave an overview of the application. The Committee approves the license. The Ordinance requires the Planning Board to make a recommendation to the Committee. Mr. Plushanski had appeared before the Board last year. There was a concern about the area to be quarried. Atty. Anderson asked for clarification of what is being addressed, whether it is a site plan or solely the quarry license. He said the agenda indicates it is a quarry license application. Atty. Novak said Mr. Plushanski had submitted solely a quarry license application for Planning Board review. Mr. Clerico had written a letter dated February 23, 2010 stating that the Board would consider the application under a site plan process. Mr. Clerico had reviewed the minutes of the December 17, 2009 meeting. At that time, the Board had deemed the application complete, subject to submission of certain items.

Mr. Kirkpatrick thought Mr. Plushanski could resolve unanswered questions. Mr. Plushanski was sworn by Atty. Anderson. Mr. Kirkpatrick asked Mr. Plushanski if all of the quarrying operation, as shown in an Aerial Photograph, would take place within the confines of the existing quarrying operation. Mr. Kirkpatrick said the quarrying plan submitted shows that about half the area is within the tree line and vegetated area. Mr. Plushanski said that area had scrubby brush. Mr. Kirkpatrick asked if the brush was more than twenty feet high. Mr. Plushanski did not think it was. Mr. Kirkpatrick asked if there were any wetlands or transition areas where quarrying is proposed. Mr. Plushanski had not researched that issue. Mr. Kirkpatrick said some areas of the site appear to be wet. Mr. Kirkpatrick asked Mr. Plushanski if he was here for the sole purpose of seeking a recommendation from the Board to the Committee whether to grant a quarry license or not. Mr. Plushanski indicated that was the sole purpose of his appearance before the Board tonight.

Mr. Kirkpatrick said Mr. Plushanski had indicated there are no significant natural resources, no wetlands, forested areas or spoils from previous quarrying. Atty. Novak said that Mr. Plushanski had cleaned the site. Mr. Kirkpatrick said he had no problems with the application. He asked for comments from the Public. There were none. He asked for comments from Board Professionals. Mr. Clerico said the plan before the Board shows what the applicant wants to do. Mr. Kirkpatrick said he would like the Board to consider recommending the issuance of the license, conditioned upon confirmation from the NJDEP that there are no wetlands, transition areas or riparian areas within the limits of disturbance.

Mr. Ford made a motion to recommend to the Township Committee that the Quarry License Application be approved, subject to the above-listed conditions. Mrs. Corcoran seconded the motion.

Vote: Ayes: Mr. Ford, Mrs. Corcoran, Mr. Nace, Mr. Badenhause, Mr. Ryland,
Mr. Kirkpatrick

Abstain: Mr. Bischoff

Mr. Kirkpatrick announced that the Board would take a five-minute recess.

Correspondence: Mr. Kirkpatrick mentioned a letter from the NJDEP to Mr. McElwee, Block 5, Lot 1.01 pertaining to construction of a home. No action required by the Board.

MBP Group: Block 12, Lot 8.03, Charlestown Road: Atty. Lawrence Vastolo had sent a letter granting the Board and Extension of Time to Act until June 30, 2010. The Hearing had not been noticed for tonight. Mr. Ford noted that dumping, including concrete and wire fencing, has been occurring at the site.

Comments from the Public: William Happel, Pittstown Road, asked about the status of the Farmland Preservation Plan. Mr. Kirkpatrick said the Board found some inconsistencies and inaccuracies during their review. The Farmland Preservation Committee has been asked to address those prior to the Board continuing their discussion on the Farmland Element of the Master Plan. Mr. Happel understood there is a Farmland Element in the MP and it is being modified. Mr. Kirkpatrick said that was correct. He told Mr. Happel that the Board would continue the discussion at the April 8, 2010 workshop.

Other Business: Mr. Ryland said that issues discussed with **Pilot Travel Centers LLC** at the March 11, 2010 workshop have not been addressed, specifically signage. There has also been damage by trucks running over the curb. Mr. Ford said he saw a NJDOT work crew repairing the curb. A letter will be sent to Pilot indicating they are not maintaining the property in accordance with conditions of the site plan approval. Atty. Anderson said the Zoning Officer should review the conditions in the Resolution and decide if a summons should be issued. Mr. Bischoff said the Board should make a recommendation that the Zoning Officer review the conditions. Mr. Ford thought the Zoning Officer should also be asked to look into the dumping issue at the **MBP** property.

Mr. Kirkpatrick said a motion should be made to recommend that the Zoning Officer review the Pilot and MBP site for conformance with the Ordinance and any Resolutions pertaining thereto. Mrs. Corcoran made the motion. Mr. Ford seconded the motion.

Vote: Ayes: Mrs. Corcoran, Mr. Ford, Mr. Bischoff, Mr. Nace, Mr. Badenhausen,
Mr. Ryland, Mr. Kirkpatrick

Motion to Adjourn: Mr. Bischoff made a motion to adjourn. Mr. Badenhausen seconded the motion. (8:25 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary

